

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
In re SONY BMG CD TECHNOLOGIES  
LITIGATION

X

: Civil Action No. 05-CV-09575-NRB

:

:

: CLASS ACTION

\_\_\_\_\_

:

This Document Relates To:

:

:

ALL ACTIONS.

X

\_\_\_\_\_  
**NOTICE OF MOTION AND MOTION TO ADMIT COUNSEL *PRO HAC VICE* AND  
DECLARATION OF ROBERT M. ROTHMAN IN SUPPORT THEREOF**

PLEASE TAKE NOTICE upon the annexed Affidavit of Cindy A. Cohn, executed this 31st day of January, 2006, and the Certificate of Good Standing attached thereto, Plaintiffs Tom Ricciuti, Yvonne Ricciuti, and Mary Schumacher move this Court, pursuant to Rule 1.3(c) of the Local Civil Rules of this Court, that Cindy A. Cohn, a member of the Bar of the State of California and the Legal Director of the Electronic Frontier Foundation, be admitted *pro hac vice* for all purposes on behalf of plaintiffs in this action.

DATED: February 2, 2006

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
ROBERT M. ROTHMAN (RR-6090)



---

ROBERT M. ROTHMAN

58 South Service Road, Suite 200  
Melville, NY 11747  
Telephone: 631/367-7100  
631/367-1173 (fax)

GREEN WELLING LLP  
ROBERT S. GREEN  
JENELLE WELLING  
AVIN P. SHARMA  
595 MARKET STREET, SUITE 2750  
San Francisco, CA 94105  
Telephone: (415) 477-6700  
(415) 477-6710 (fax)

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
REED R. KATHREIN  
JEFFREY FRIEDMAN  
SHANNA SCARLETT  
100 Pine Street, 26th Floor  
San Francisco, CA 94111  
Telephone: (415) 288-4545  
(415) 288-4534 (fax)

LAWRENCE E. FELDMAN & ASSOCIATES  
LAWRENCE E. FELDMAN  
432 Tulpehocken Avenue  
Elkins Park, PA 19027  
Telephone: (215) 885-3302  
(215) 885-3303 (fax)

**DECLARATION OF ROBERT M. ROTHMAN**

I, Robert M. Rothman, declare as follows:

1. I am a member in good standing of the bar of this Court and a partner at Lerach Coughlin Stoia Geller Rudman & Robbins LLP. I make this declaration in support of Plaintiffs Tom Ricciuti, Yvonne Ricciuti, and Mary Schumacher's Motion, pursuant to Rule 1.3(c) of the Local Civil Rules of this Court, that Cindy A. Cohn be admitted *pro hac vice* for all purposes on behalf of plaintiffs in this action.
2. Cindy A. Cohn is fully familiar with this action.
3. As evidenced in the annexed Affidavit of Cindy A. Cohn, she is an attorney in good standing of the Bar of the State of California.
4. I respectfully request that plaintiffs' motion be granted in all respects. A proposed Order is enclosed herewith.

I declare under penalty of perjury under the laws of the State of New York, that the foregoing is true and correct.

DATED: February 2, 2006

A handwritten signature in black ink, appearing to read "Robert Rothman", written over a horizontal line.

ROBERT M. ROTHMAN (SR-6090)

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

SONY BMG CD  
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**AFFIDAVIT OF CINDY A. COHN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR *PRO HAC VICE* ADMISSION**

I, Cindy A. Cohn, being duly sworn, deposes and says that the following facts are true and correct to the best of my personal knowledge:

1. I am an attorney duly admitted to practice law in the State of California. Attached hereto as "Exhibit A" is an original Certificate of Good Standing from the Supreme Court of California.

2. I am not under suspension or disbarment by any court.

3. I am the Legal Director of the Electronic Frontier Foundation, and my office is located at 454 Shotwell Street, San Francisco, California 94110. My telephone number is (415) 436-9333 x 108.

4. I make this affidavit in support of Plaintiffs' motion for admission *pro hac vice*.

5. I recognize that if I am admitted *pro hac vice*, I am within the disciplinary jurisdiction of the United States District Court for the Southern District of New York. Upon my admission *pro hac vice*, I agree to comply with all applicable New York Local rules of Civil Procedure.


///

///

///

///

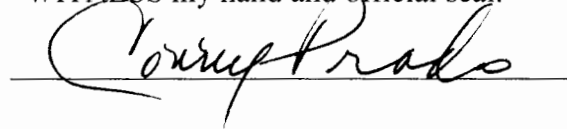
I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct. Executed this 31st day of January, 2006, at San Francisco, California.

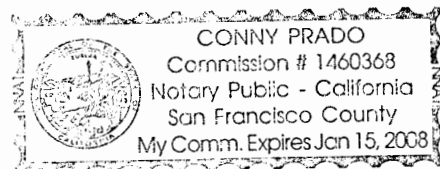
  
Cindy A. Cohn

State of California            )  
County of San Francisco    )

On 01/31/2006, 2006, before me, CONNY PRADO, Notary Public, personally appeared Cindy A. Cohn, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.







# Supreme Court of California

FREDERICK K. OHLRICH

*Clerk of the Court*

## CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

CINDY ANN COHN

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that CINDY ANN COHN was on the 3RD day of MAY 1990, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that her name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,  
this 18TH day of JANUARY, 2006.*

FREDERICK K. OHLRICH

*Clerk of the Supreme Court*

By

A handwritten signature in cursive script, appearing to read "Joseph Cornetta", written over a horizontal line.

*Joseph Cornetta, Deputy Clerk*

CERTIFICATE OF SERVICE

On this the 2nd day of February, 2006, the foregoing documents were served by First Class Mail on the Counsel of Record listed on the attached Service List.

  
Kelly A. Stadelmann



## Service List

<p>Scott A. Kamber (SK-5794)  <b>KAMBER &amp; ASSOCIATES, LLC</b>  19 Fulton Street, Suite 400  New York, New York 10038  Telephone: 212/571-2000  212/202-6364 (fax)</p> <p><i>Plaintiffs' Co-Lead Counsel</i></p>	<p>Sanford P. Domain (SD-8712)  Peter Safirstein (PS-6176)  <b>MILBERG WEISS BERSHAD &amp; SCHULMAN LLP</b>  One Pennsylvania Avenue  New York, New York 10119-0165  Telephone: 212/594-5300  212/868-1229 (fax)</p> <p><i>Plaintiffs' Executive Committee</i></p>
<p>Ira M. Press (IP-5313)  Mark A. Strauss (MS-2288)  <b>KIRBY McINERNEY &amp; SQUIRE, LLP</b>  830 Third Avenue  New York, New York 10022  Telephone: 212/317-2000  212/751-2540 (fax)</p> <p><i>Plaintiffs' Executive Committee</i></p>	<p>Jason L. Solotaroff (JS-5739)  Oren Giskan (OG-3667)  <b>GISKAN &amp; SOLOTAROFF</b>  207 West 25th Street  New York, New York 10001  Telephone: 212/847-8315  212/473-8096 (fax)</p> <p><i>Plaintiffs' Executive Committee</i></p>
<p>David Nester  <b>NESTER &amp; CONSTANCE, P.C.</b>  123 West Washington Street  Belleville, Illinois 62220-2021  Telephone: 618/234-4440  618/234-6193 (fax)</p> <p><i>Counsel for Plaintiffs</i></p>	<p>Robert I. Lax (RL-8413)  <b>ROBERT I. LAX &amp; ASSOCIATES</b>  535 Fifth Avenue, 21st Floor  New York, New York 10017  Telephone: 212/818-9150  212/818-1266 (fax)</p> <p><i>Counsel for Plaintiffs</i></p>
<p>Daniel Lynch  Ethan Preston  <b>CIRIGNANI HELLER HARMAN &amp; LYNCH</b>  150 S. Wacker Drive, #2600  Chicago, IL 60606  Telephone: 312/346-8700  312/896-5883 (fax)</p> <p><i>Counsel for Plaintiffs</i></p>	<p>Jeffery S. Jacobson  <b>DEBEVOISE &amp; PLIMPTON LLP</b>  919 Third Avenue  New York, New York 10022  Telephone: 212/909-6000  212/909-6836 (fax)</p> <p><i>Counsel for Defendants</i></p>

Cindy Cohn  
Fred Von Lohmann  
Kurt Opsahl  
Corynne McSherry

**ELECTRONIC FRONTIER  
FOUNDATION**

454 Shotwell Street  
San Francisco, California 94110  
Telephone: 415/436-9333  
415/436-9993

*Counsel for Tom Ricciuti, Yvonne Ricciuti and  
Mary Schumacher*

Robert S. Green  
Jenelle Welling  
Avin P. Sharma

**GREEN WELLING LLP**

595 Market Street, Suite 2750  
San Francisco, California 94105  
Telephone: 415/477-6700  
415/477-6710

*Counsel for Tom Ricciuti, Yvonne Ricciuti and  
Mary Schumacher*